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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,214

10/06/2003

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EXAMINER

SAWAGED, SARI S

ART UNIT

PAPER NUMBER

4126

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/678,214	Applicant(s) NAKAMURA ET AL.	
	Examiner SARI SAWAGED	Art Unit 4126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/06/2003, 11/27/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites (claim 13 recites the similar limitations):

"....a program search unit for making a program search by controlling the broadcast reception unit

***to continue** to receive the digital broadcast containing the program, which is determined matching the search condition by the condition determination unit,*

and

***to stop receiving** the digital broadcast containing the program, which is not determined matching the search condition by the condition determination unit and t o receive another digital broadcast."*

The use of the words "to continue to receive" suggests that the broadcast reception unit was tuned to the channel that matched the search **before** the search was executed.

The claim needs to be amended to clarify why the reception unit was receiving (tuned to) the channel that matched the search results. If the claim language, as it is understood by the examiner, is not implied, the claim language must be amended to clearly state what the inventor is claiming to be his invention. Take into consideration the words "to stop receiving" and how they relate to the new claim language.

Claims 2-12 are rejected based upon the rejection of the independent claims 1 and 13.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 3, 4, 7, 8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Maze et al. (hereinafter referred to as Maze) (US 6,216,264).

6. Regarding claims 1 and 13, Maze discloses a digital broadcast reception method and apparatus that receives digital broadcasts over the air and has search capabilities (see column 5 lines 45-49 and column 1 lines 36-48). A condition determination unit is inherent to a search because without a condition determination unit or equivalent, the search result would contain irrelevant programs. Maze discloses that the search

controls the broadcast reception unit to tune in to the program which is determined to match the search condition as per the condition determination unit, which also stops receiving the program which is not determined matching the search conditions by the condition determination unit (see column 1 lines 41-44).

7. Regarding claim 2, Maze discloses a condition input unit for accepting entry operation of a condition and a condition setting unit for setting the condition input in the condition input unit as the search condition (see figures 6-7 and column 5 lines 17-29).

8. Regarding claim 3, Maze discloses that the condition input unit accepts an entry operation of selecting the condition from a previously selected list including a plurality of conditions and the condition setting unit sets the condition (see figure 6 and column 5 lines 27-29).

9. Regarding claim 4, Maze discloses using logical operation for the search conditions (see column 2 lines 52-58).

10. Regarding claim 7, Maze discloses that the broadcast signal can contain audio, video, or data (see column 3 line 27). The invention disclosed by Maze searches all the service types for the search condition (see figure 6, column 5 lines 45-49 and column 1 lines 36-48).

11. Regarding claim 8, Maze discloses that the condition input unit is input into a keyword concerning at least one of a program name, cast and program detail information (see figure 6 and column 1 lines 47-48).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maze in view of Hayashi (US 6,588,014).

14. Regarding claim 5, Maze discloses a digital broadcast reception apparatus with search capabilities (see Maze column 5 lines 45-49 and column 1 lines 36-48). Maze doesn't specifically disclose that the condition input unit accepts an operation of specifying a program genre as the condition. However, Hayashi, an inventor from the same or a similar field discloses a search based on the genre of a program (see Hayashi figure 18 and column 3 lines 12-15). It would have been obvious to one to one

of ordinary skill in that art at the time of the invention to combine Maze's invention with Hayashi's invention because it would have made it easier for a user to search for a specific type of program based on the users preferences.

15. Regarding claims 6, The modification of Maze and Hayashi discloses that the broadcast signal can contain audio, video, or data (see Maze column 3 line 27), and performing a search based on the service type of the broadcast (see Hayashi figure 18 and column 6 lines 13-15).

16. Claims 9, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maze in view of Youman et al. (hereinafter referred to as Youman) (US 5,629,733).

17. Regarding claims 9 and 10, Maze discloses a digital broadcast reception apparatus with search capabilities (see Maze column 5 lines 45-49 and column 1 lines 36-48). Maze doesn't specifically disclose a program trial reception request while the program search unit is executing the program search. Maze also doesn't specifically disclose stopping the program search and controlling the broadcast reception unit to execute program trial reception when the program trial reception request is input to the request input unit. However, Youman, an inventor from the same or a similar field discloses an apparatus with search capabilities where a user may exit the search listing and return to the program search stop state and continue the program search. Youman

doesn't specifically disclose a program trial reception request, however, it would have been obvious to one of ordinary skill in the art to stop the search request and allow a program trial reception request because it would have enabled the user to preview a program from the search list before the search request list was complete. If the program that the user opted to receive in the trial reception is not a desired program then the user would want to return from the point where the program search unit was exited (as disclosed by Youman) because it would allow the user to skip previously viewed search matches and would result in a more efficient search.

18. Regarding claim 11, Maze discloses a condition retention unit for retaining the search conditions set by the condition setting unit (see column 5 line 27).

19. Regarding claim 12, Maze discloses a digital broadcast reception apparatus that receives digital broadcasts over the air with search capabilities (see column 5 lines 45-49 and column 1 lines 36-48). A condition determination unit is inherent to a search because without a determination unit or equivalent, the search result would contain irrelevant programs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARI SAWAGED whose telephone number is (571)270-5085. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sari Sawaged/
Examiner, Art Unit 4126

/Dennis-Doon Chow/
Supervisory Patent Examiner, Art Unit 4126